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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Seventy-second year

Identical letters dated 26 December 2017 from the Permanent Observer of the State of Palestine to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

I write to you with urgency, appealing for efforts to uphold the longstanding international consensus regarding Jerusalem, as enshrined in numerous Security Council and General Assembly resolutions. Considering recent decisions taken in violation of international law and those relevant resolutions — and in effective complicity with the grave breaches being perpetrated by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem — the international community must remain resolute in reaffirming the validity of the relevant resolutions and in demanding that they be fully respected.

In this regard, and in the light of the extremely regrettable decision announced by the President of Guatemala regarding the decision to move his country's embassy to Israel to the City of Jerusalem, we call upon all States to address this matter without delay, to reject this provocative, unlawful decision and to act swiftly to uphold the integrity and authority of United Nations resolutions.

We must recall, once again, the Security Council's numerous resolutions regarding Jerusalem, including resolutions 476 (1980) and 478 (1980). We recall, in particular, the Council's reaffirmations regarding the inadmissibility of the acquisition of territory by force; its recognition of the specific status of Jerusalem; and its clear determination that all legislative and administrative measures and actions taken by Israel, the occupying Power, which purport to alter the character and status of the Holy City of Jerusalem have no legal validity and constitute a flagrant violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.

It is also necessary to recall that the Security Council explicitly called upon all Member States to accept its decision not to recognize the "basic law" enacted by Israel on Jerusalem and any other such actions seeking to alter the character and status of Jerusalem, and directly called upon those States that had established diplomatic missions at Jerusalem to withdraw such missions from the Holy City.

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In the past, Guatemala conformed with this determination by the Security Council by transferring its embassy from Jerusalem to Tel Aviv. The recent announcement by President Morales of his intention to reverse this action would place Guatemala in breach of international law and the relevant resolutions. We are thus compelled to reiterate that neither this decision by Guatemala, nor any other action contrary to the Council's positions, has any legal effect and cannot change the applicability of international law to this situation.

However, such decisions will surely embolden Israel's illegal policies and measures in the City and the rest of the Occupied Palestinian Territory, rewarding the occupying Power for its intransigence, supporting its impunity and thus further obstructing peace prospects, all of which entail certain liability in the context of international law. Israel is not sovereign over Jerusalem, and the status of the City remains unresolved. Jerusalem has long been designated a final status issue in the Middle East peace process; East Jerusalem has remained occupied territory since 1967. In its resolution 2334 (2016), the Security Council unequivocally affirmed that the Council would not recognize any changes to the 4 June 1967 lines, including with regard to Jerusalem, other than those agreed by the parties through negotiations. These are facts that cannot be disregarded or ignored, regardless of political pretexts and illogical justifications.

In this regard, we must also recall that the longstanding international consensus was yet again reaffirmed by the Security Council following the announcement by the President of the United States of America of his decision to recognize Jerusalem as capital of Israel and to transfer the United States embassy from Tel Aviv to Jerusalem, in contravention of the relevant resolutions. We recall the fact that the overwhelming majority of the Council — 14 member States — stood firm in rejection of that decision and in compliance with the relevant resolutions and their obligations under the Charter of the United Nations — in spite of the United States veto of the draft resolution presented to the Council for a vote on 18 December.

Moreover, we highlight the fact that the General Assembly, during its resumed tenth emergency special session, on 21 December 2017, adopted resolution ES-10/19, in which it stressed once again the abiding international position on Jerusalem, reaffirming the Assembly's compendium of relevant resolutions along with those of the Security Council. In its resolution ES-10/19, which also received overwhelming support, the Assembly demanded, inter alia, that all States comply with Security Council resolutions regarding the Holy City of Jerusalem and that they not recognize any actions or measures contrary to those resolutions. It also affirmed that any decisions and actions which purport to have altered the character, status or demographic composition of the Holy City of Jerusalem had no legal effect, were null and void and must be rescinded. The Assembly further called upon all States to refrain from the establishment of diplomatic missions in the Holy City of Jerusalem.

An unequivocal message must therefore be conveyed reaffirming the applicable laws and resolutions and opposing any such unilateral and provocative decisions by whomever and whenever. Moreover, these developments totally contradict the international and regional efforts, called for by the Security Council and the General Assembly, to create the conditions necessary for any meaningful peace negotiations to resolve this prolonged and tragic conflict. Those concerned with the promotion of peace and justice cannot reasonably condone or excuse such actions. We thus appeal again to all States to be resolute in their rejection of these actions and in their non-recognition of this unlawful situation.

The impact of such provocations cannot be underestimated, nor can the significance and sensitivity of Jerusalem to the Palestinian people, Muslims and Christians, and to all Arabs and Muslims worldwide. A comprehensive, just and

lasting solution to the question of Palestine cannot be achieved without a just and lasting solution to the question of Jerusalem.

The Security Council and the General Assembly have explicitly called for the protection of the City's unique spiritual, religious and cultural dimensions and heritage. They have also repeatedly affirmed the legitimate interest of the international community as a whole with respect to the question of Jerusalem, which has long-been accorded special political and legal status, beginning with General Assembly resolution 181 (II) of 1947, in which the City was designated a *corpus separatum*.

We thus call upon all States to act in conformity with the law and with a deep sense of responsibility, in the interest of peace. We further call upon the international community as a whole to act urgently to avert the further destabilization of this extremely volatile situation, which poses a threat to international peace and security. Any decisions or actions that disregard these fundamental legal, political and religious dimensions of the question of Jerusalem can only aggravate already-heightened tensions and further destabilize the situation, with far-reaching consequences. This includes the inflammation of religious sensitivities that risk transforming this solvable political-territorial conflict into a never-ending religious war, which can only be exploited by religious extremists, fuelling more violent radicalism and strife in the region and beyond.

At this critical and sensitive moment, it is vital for the international community to reaffirm the primacy of international law to the efforts to resolve the Israeli-Palestinian conflict and to reassert the credibility of the international system at this crucial moment. The decision of any State to render itself complicit with the Israeli occupation and its violations must be met by an immediate and firm response by the international community. Such collective resolve is indispensable if we are ever to salvage the two-State solution on the basis of the pre-1967 borders and to arrive at the day when the Israeli occupation is brought to an end and a just and lasting peace is achieved, whereby the Palestinian people can finally achieve their inalienable rights and achieve their freedom in their independent and sovereign State of Palestine, with East Jerusalem as its capital, living side by side in peace and security with all its neighbours.

I should be grateful if you would arrange to have the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

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of the State of Palestine to the United Nations